

DECLARATION

I, Jeffrey C. Barfield of Alpenrosenstrasse 3, 82377 Penzberg, Germany, do hereby declare that I am conversant with the English and German languages and that I am a competent translator thereof.

I verify that the attached English translation is a true and correct translation of the Annex to the Official Letter in connection with the international patent application PCT/EP2004/0133³~~5~~.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: June 13, 2005

A handwritten signature in black ink, consisting of a stylized, elongated loop with a small downward tick at the end.

Jeffrey C. Barfield

TRANSLATION

OFFICIAL LETTER OF THE INTERNATIONAL SEARCH AUTHORITY (ANNEX)

International File No.
PCT/EP2004/013335

Point V.

Justified determination with respect to the novelty, inventive step and industrial application; documents and explanations to support this determination

- 1 Reference is made to the following documents:

D1: DE 43 36 023

D2: GB 548 117

D3: DE 38 26 676

- 2 The present application does not satisfy the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).

Document D1 discloses (the references in brackets refer to this document) a built-in lamp (see Figure 3) comprising a holder for securing in an installation surface, in particular in a room ceiling, a bulb (17) and a reflector (11), with a reflector opening disposed in the illumination direction defining a direct light discharge region (UR), wherein the direct light discharge region (UR) is surrounded at least regionally by a diffuse light discharge region (HR).

The subject matter of claim 1 is therefore not novel.

3. Dependent claims 2-19 do not contain any features which satisfy the requirements of the PCT with respect to novelty or inventive step in combination with the features of any claim to which they relate; see documents D1-D3 and the corresponding text passages recited in the search report. In particular;

3.1 Claims 2-11 are not novel; see D1, Fig. 3;

3.2 The subject matter of claim 12 differs from the lamp of D1, Fig. 3 (Ref. No. 19) in a minor design change;

3.3 The features of the dependent claims 13-14 were already used for the same

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purpose in a similar lamp, cf. in this respect Document D2, in particular Fig. 8 (Ref. Nos. 53 and 54). It would therefore be obvious for the skilled person also to use these features in a lamp in accordance with Document D1 with a corresponding effect and in this manner to arrive at a lamp in accordance with claims 13-14.

The subject matter of claims 13-14 is therefore not inventive.

3.4 The subject matter of claims 15-17 is not novel; see D1, Fig. 3;

3.5 A pivotable holding of the direct light reflector is disclosed with the lamp of D3. It would be obvious for the skilled person also to use this feature in a lamp in accordance with Document D1 with a corresponding effect and in this manner to arrive at a lamp in accordance with claims 18-19.

The subject matter of claims 18-19 is therefore not inventive.

4. The feature combination contained in the independent claim 20 is neither known nor is it made obvious by the present prior art. The subject matter of claim 20 therefore appears to be inventive.

5. Claims 1-20 have industrial application.